

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:19-CV-206 MOC WCM

WESLEY CRAWFORD,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
BLUE RIDGE METALS CORPORATION,)	
DONALD YOUNG, KEITH RAMSEY, and)	
JENNIFER KIRKPATRICK,)	
)	
Defendants.)	
)	

On July 24, 2020, Defendant Blue Ridge Metals Corporation (“BRM”) filed a Motion for Protective Order (the “Motion,” Doc. 34). By the Motion, BRM seeks “an order precluding Plaintiff from seeking testimony from BRM on Subjects 2-4 of Plaintiff’s Rule 30(b)(6) Notice, scheduled for July 28, 2020.” Doc. 34, p. 1.

In its Brief in Support of the Motion, BRM also requests an order staying the Rule 30(b)(6) deposition. Doc. 35, p. 1.

The filing of the Motion does not relieve BRM of its obligation to attend the deposition as noticed. See White v. McHugh, Nos. 3:09-1559, 3:09-2271, 2010 WL 4340399, at * 2 (D.S.C. Sept. 3, 2010) (“A deponent is relieved of appearance only if the protective order is issued prior to the scheduled deposition. ‘Under the Rules, it is for the court, not the deponent or his counsel,

to relieve him of the duty to appear.”) (quoting Pioche Mines Consolidated, Inc. v. Dolman, 333 F.2d 257, 269 (9th Cir.1964), cert. denied 380 U.S. 956 (1965)); Hollar v. Myers, 184 B.R. 243, 246 (M.D.N.C. 1995) (“It is well-settled that the filing of a motion for protective order does not automatically operate to stay a deposition or other discovery. Rather, a deponent is relieved of his or her duty to appear only if [a] court order is granted before the scheduled deposition.”) (internal citations omitted).

However, the Court finds that to ensure the orderly disposition of the issues set forth in the Motion, a ruling on the Motion should be issued before the deposition is taken.

Accordingly, the deposition of Blue Ridge Metals Corporation is **TEMPORARILY STAYED** pending the Court’s ruling on the Motion for Protective Order (Doc. 34).

It is so ordered.

Signed: July 27, 2020



W. Carleton Metcalf
United States Magistrate Judge
